

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: APPLICATION OF)
MORISSETTE ET AL.)
SERIAL No: 10/807,071)
FILED: MARCH 3, 2004)
FOR: CARRIER ROPE)
APPARATUS AND)
METHOD)

EXAMINER: SHAUN R. HURLEY

ART UNIT 3765

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUEST FOR ELECTION/RESTRICTIONS

Dear Sir:

In response to the Office Action of September 19, 2005, the Inventors file this Response to a Request for Election/Restrictions as follows:

Election/Restrictions

In the Office Action, the Examiner requests that the application be restricted to either the claims drawn to methods of making ropes (Claims 1-30, 31, 32, 65-96, 97 and 98) or the claims drawn to carrier ropes (Claims 33-62, 63, 64, 99-129, 130 and 131). The Examiner asserts that these two groups of claims represent two distinct inventions, alleging that the carrier ropes can be made by different methods, "such as overtwisting and reversing the twist, then braiding." The Inventors respectfully disagree as the claimed carrier ropes can only be made by the methods claimed in the instant application. Furthermore, even if the Examiner's assertion were correct, it is the Inventors' respectful contention that the simultaneous examination of the methods and products would not cause an undue burden upon the Office. Consequently, the Inventors traverse this request, reserving all rights, and respectfully ask the Examiner to reconsider it.

Notwithstanding the preceeding, and in compliance with the provisions of 35 U.S.C. 121, the Inventors elect to restrict prosecution to the Claims drawn to methods of making carrier ropes (Claims 1-30, 31, 32, 65-96, 97 and 98).

In the Office Action, the Examiner also requests the Inventors to elect one of several species of the claimed invention. The Examiner, however, does not provide any indication that the species are classified differently or that otherwise prosecuting them together would create an unreasonable burden upon the Office. Consequently, without asserting that the species are not patentably distinct, the Inventors respectfully traverse the request.

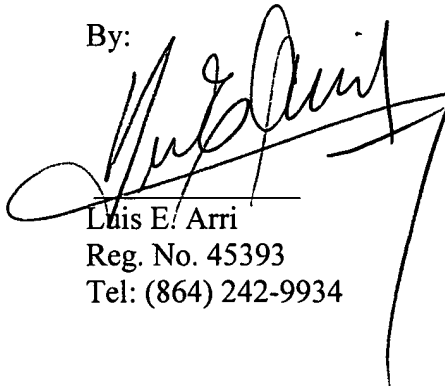
Furthermore, the Inventors believe that this lack of an unreasonable burden upon the Office applies particularly to certain claims, drawn to specific twisting and materials, if they are prosecuted together with the corresponding set of Claims drawn to generic twisting and materials, for example, Claims 1-30, 31 and 32 in Group I (or Claims 65-96, 97 and 98 in Group I; Claims 33-62, 63 and 64 in Group II; and Claims 99-129, 130 and 131 also in Group II). Without asserting that they are not patentably distinct, the Inventors contend that Claims 31 and 32, for example, are "picture" claims of preferred embodiments of the invention claimed in Claim 1 (and the set of claims dependent on Claim 1), with characteristics either that are already depicted in existing claims dependent on Claim 1 or that could be included in additional dependent claims that could be added without adding any new subject matter.

Notwithstanding the preceeding, and in compliance with the provisions of 35 U.S.C. 121, the Inventors elect to continue prosecution on the species represented by Claims 1-30 (Group I, subgroup I, according to the Examiner's classification asserted in the Request: "Claims 1-30, drawn to a method of manufacturing a rope with generic twisting and materials, and twisting a monofilament prior to braiding"). The Inventors, however, respectfully request the Examiner to add Claims 31 and 32 to the elected set of claims.

To expedite the prosecution of this Application, the undersigned attorney respectfully request the Examiner to call him to the telephone number below should the Examiner have any additional questions.

Respectfully yours,
THE LAW OFFICES OF
JAMES STONE CRAVEN, LLC

By:



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